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Beverly Smith

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tax court

ATTORNEYS FOR APPELLEE:

THOMAS J. BELCHER
SHANNON L. ROBINSON
 Kelley, Belcher & Brown
 Bloomington, Indiana

J.B., A MINOR CHILD,)
)
Appellant-Plaintiff,)
)
vs.) No. 42A01-0708-CV-366
)
THE BOARD OF TRUSTEES OF)
VINCENNES UNIVERSITY,)
)
Appellee-Defendant.)

June 19, 2008

NAJAM, Judge

J.B. has filed a petition for rehearing asking that we reconsider our holding that the trial court did not err when it entered summary judgment in favor of The Board of Trustees of Vincennes University (“the Board”). We grant J.B.’s petition for rehearing for the limited purpose of correcting our Statement of the Case. We affirm our prior memorandum decision in all other respects.

We acknowledge that, as J.B. points out, our statement of the issue presented in our memorandum decision is inconsistent with our discussion and holding. In that decision, we state the issue as “whether there exists a genuine issue of material fact precluding summary judgment” and subsequently state that “J.B. does not challenge the trial court’s determination that the material facts are essentially undisputed in this case.” To correct that discrepancy, we restate the issue presented on appeal as follows: whether the trial court erred when it entered summary judgment in favor of the Board. But our description of J.B.’s ultimate challenge on appeal remains intact, namely, “J.B. contends that the trial court misapplied the law to [the] facts.” We held, and we affirm, that the trial court correctly applied the law and did not err when it granted summary judgment in favor of the Board.

Petition for rehearing granted, memorandum decision affirmed.

BAILEY, J., and CRONE, J., concur.